IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

OP.No. 14810 of 2001(K)

PETITIONER:

PREETHAKUMARY P.G., AGED 31 YEARS, W/O. BALACHANDRAN NAIR, HIGH SCHOOL ASSISTANT(NATURAL SCIENCE),S.V.H.S., PONGALADY, THATTAYIL P.O., PATHANAMTHITTA DISTRICT.

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS:
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1. THE DIRECTOR OF PUBLIC INSTRUCTIONS, JAGATHY, THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION, PATHANAMTHITTA AT THIRUVALLA.

3. THE DISTRICT EDUCATIONAL OFFICER, PATHANAMTHITTA.

4. THE MANAGER, SANKARA VILASAM HIGH SCHOOL, PONGALADY, THATTAYIL P.O., PATHANAMTHITTA DISTRICT.

BY GOVERNMENT PLEADER SHRI.SANDESH RAJA FOR R1 TO R3

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 23337/01 IN OP 14810/01

DISMISSED.

20/2/2007 SD/- ANTONY DOMINIC,JUDGE.

APPENDIX

PETITIONER'S EXTS:

Ext. P1. True copy of appointment order dated 22.7.93 from the 4th respondent to the petitioner.

Ext.P2 true copy of appointment order dated 8.6.1998 from the 4th respondent to the petitioner.

Ext.P3 true copy of proceedings of the District Educational Officer, Pathanamthitta dated 14.6.99.

Ext.P4 true copy of proceedings of the District Educational Officer, Pathanamthitta dated 30.9.2000.

Ext.P5 true copy of Government Order No.G.O.(P)175/99/G.Edn. Dtd.26.7.99

Ext.P6 true copy of Government order No.G.O.(MS)284/96/G.Edn dtd. 11.9.96 General Educational (J) Department.

Ext.P7 true copy of the Government order No.9679/J2/99/G.Edn. Dated 24.3.99 General Education(J) Department.

Ext.P8 true copy of order No.Dis B3-13346/2000 Bill dtd. 3.11.2000 from the 3rd respondent to the Head Mistress, S.V.H.S., Pongalady.

Ext.P9 true copy of representation dated 10.11.2000 from the petitioner to the 2nd respondent.

Ext.P10 true copy of appeal dated 28.11.2000 from the 4th respondent to the 2nd respondent.

Ext.P11 true copy of order dated 3.2.2001 No.K.Dis.B4/19692/2'01 by the 2nd respondent.

Ext.P12 true copy of revision petition dated 14.3.2001 from the 4th respondent to the 1st respondent.

Antony Dominic, J.
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O.P.No.14810 of 2001
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Dated this the 20th day of February, 2007.

JUDGMENT

Petitioner, who was a High School Assistant (Natural Science) under the fourth respondent, faced retrenchment following Ext.P4 staff fixation order and consequent division fall. It is seen that the `appeal filed by the Manager against Ext.P8 resulted in Ext.P11 order of the Deputy Director of Education. Still aggrieved, the Manager pursued the matter further by filing a revision before the first respondent – Director of Public Instructions, evidenced by Ext.P12. One of the reliefs sought for in the Writ Petition is to direct the first respondent to dispose of Ext.P12 within a time limit to be specified by this Court. On instructions, Government Pleader submits that Ext.P12 revision filed by the Manager is still pending. In view of the pendency of the statutory revision, evidenced by Ext.P12, it is only appropriate that the first respondent is to be directed to dispose of Ext.P12 as expeditiously as possible.

2. Counsel for the petitioner asserts that his client is entitled to the benefit of Exts.P5 to P7. Since, I am not examining the merits of

the rival claims, and is only directing to consider and pass orders on Ext.P12 revision, I am not examining the entitlement of the petitioner for the benefits of Exts.P5 to P7. The relevance or otherwise of Exts. P5 to P7 is certainly a matter to be taken note of by the first respondent while passing orders on Ext.P12.

3. Accordingly, this Writ Petition is disposed of directing the first respondent to pass orders on Ext.P12 revision petition filed by the fourth respondent with notice to the fourth respondent and the petitioner, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment.

Antony Dominic
Judge.

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